

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

PRINCE E. KENNEDY,

Petitioner,

v.

STATE OF WASHINGTON,

Respondent.

Case No. C08-5308BHS-KLS

ORDER TO SHOW CAUSE

This matter is before the Court on petitioner's petition for writ of *habeas corpus* pursuant to 28 U.S.C. § 2254. The Court, having reviewed petitioner's petition and the balance of the record, hereby finds and ORDERS:

On May 12, 2008, petitioner filed a petition for writ of *habeas corpus* pursuant to 28 U.S.C. § 2254. (Dkt. #1). Rule 2(a) of the Rules Governing Section 2254 Cases in the United States District Courts reads in relevant part:

If the applicant is presently in custody pursuant to the state judgment in question, the application shall be in the form of a petition for a writ of *habeas corpus* in which the state officer having custody of the applicant shall be named as respondent.

A petitioner for *habeas corpus* relief, therefore, must name the state officer having custody of him or her as the respondent to the petition. This person typically is warden of the institution where the petitioner is incarcerated. Failure to name the petitioner's custodian deprives federal courts of personal jurisdiction.

1 Stanley v. California Supreme Court, 21 F.3d 359, 360 (9th Cir. 1994) (citations omitted).

2 Petitioner currently appears to be incarcerated at the Monroe Correctional Complex, located in
3 Monroe, Washington, the Superintendent of which is Ken Quinn. However, petitioner has named the
4 State of Washington as the respondent in this matter. Clearly, this is not the state officer having custody
5 over petitioner, and thus is not the proper respondent.

6 Accordingly, the Court shall not serve the petition on respondent. In addition, petitioner shall file
7 by **no later than June 26, 2007**, an amended petition under 28 U.S.C. § 2254 containing the name of the
8 proper respondent, i.e., the superintendent of the institution where he is incarcerated, which, as of the date
9 hereof, is Mr. Quinn. Petitioner also shall provide the appropriate number of copies of the amended
10 petition for service.

11 The Clerk shall send a copy of this Order to petitioner.

12 DATED this 27th day of May, 2008.

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16 Karen L. Strombom
17 United States Magistrate Judge
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